IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.145 OF 1998

The Commissioner of Income-tax,
Bombay City - III, Bombay .. Applicant.
V/s.
M/s.Chheda Construction Co.
Pvt.Ltd. .. Respondent.

Mr.Ashok Kotangale with Mr.Parag Vyas for the applicant.
Mr.P.J. Pardiwala i/b. Cr.Bayley & Co. for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 11TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred the question for the opinion of this Court reading as under :-

> Whether in the facts and in the circumstances of the case, the Tribunal was right in law in allowing investment allowance on the plant and machinery installed in the assessee's construction business ?

2. The above question has already been answered by the Apex Court in the case of **CIT V/s. N.C. Budharaja & Co. [(1993) 204 I.T.R. 412 (S.C.)]** in favour of the revenue and against the assessee. In this view of the matter, question stands answered in negative for the reasons stated in the case of N.C. Budharaja & Co. Reference, accordingly stands disposed of with no order as to costs.

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